

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
REGULAR MEETING MINUTES  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, September 23, 2014  
7:00 PM**

**1. CALL TO ORDER, MAYOR SCOT SASSER**

Mayor Scot Sasser called the meeting to order at 7:00 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Town Attorney Susan L. Trevarthen, Assistant Development Services Director Linda Connors, Public Information Officer Steve d'Oliveira, Municipal Services Director Don Prince, and Town Clerk Tedra Smith.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. INVOCATION**

Father Michael Greer gave the Invocation.

**4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

Item 11b was deferred until the October 28, 2014 meeting.

**5. PRESENTATIONS**

**a. Domestic Violence Awareness Month Proclamation**

Mayor Sasser read a proclamation in recognition of October as Domestic Violence Awareness Month.

**b. Bugfest-By-The-Sea Presentation (Steve d'Oliveira, Public Information Officer)**

Public Information Officer Steve d'Oliveira provided a brief update on highlights from the recent Bugfest-By-The-Sea event, which included multiple diving and snorkeling events, a photo contest, the Lobster Chef competition, a lobster dinner in El Prado Park put on by Lenore Nolan Ryan, a film presentation by Dive Bar, and a closing barbecue. All present recognized the Bugfest Committee members with a round of applause for their work.

**c. Kiwanis Club**

Lauderdale-By-The-Sea  
Town Commission Regular Meeting  
September 23, 2014

Jerry Sehl, acting President of the Kiwanis Club of Lauderdale-By-The-Sea, explained that Kiwanis sponsors fundraising activities to support children's programs and give freely of their time and skills. Several fundraising projects are currently underway, including the first annual Oktoberfest beginning October 11, 2014. Mr. Sehl asked that interested volunteers call (954) 229-1922 or visit [www.lbts-kiwanis.club](http://www.lbts-kiwanis.club). Joel Davidson gave a presentation of the Kiwanis worldwide effort for the Eliminate Project.

## **6. PUBLIC COMMENTS**

At this time Mayor Sasser opened public comment.

Edmund Malkoon provided an update from the A1A Scenic Highway Committee. He emphasized the importance of the Visitors Center, noting that the Committee's discussion goes hand-in-hand with local marketing efforts such as the walking map and information provided by Ambit Marketing. Mr. Malkoon suggested that the Town consider producing a short promotional video.

John Boutin, of the Windjammer Resort, addressed Item 17a, which considers the creation of a marine preserve in Lauderdale-By-The-Sea. He spoke in favor of improving the Town's reefs and increasing marine life, both near- and offshore, for divers and snorkelers.

Roseann Minnet, resident, urged the Commission to approve the recommendations of the Planning and Zoning Board and incorporate them within the Town's Ordinances.

There being no other members of the public wishing to speak at this time, Mayor Sasser closed public comment.

## **7. PUBLIC SAFETY DISCUSSION**

### **a. AMR August 2014 Report (Chief Brooke Liddle)**

**Commissioner Dodd made a motion, seconded by Commissioner Brown, to approve. Motion carried 5-0.**

### **b. BSO August 2014 Report (Captain Fred Wood)**

Broward Sheriff's Office (BSO) Captain Fred Wood advised that the County's new non-emergency telephone number is (954) 764-4357, or 764-HELP. He added that the automatic license reader cameras are scheduled for delivery the following week, and are expected to be installed the second week of October.

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.**

**c. VFD August 2014 Report (Chief Judson Hopping)**

**Commissioner Dodd made a motion, seconded by Commissioner Brown, to approve. Motion carried 5-0.**

Volunteer Fire Department Chief Judson Hopping reported that the Insurance Service Organization (ISO) paid a recent visit to the Department. The ISO rating, which affects insurance rates with some carriers, is expected to remain a 3 or move up to a 2.

**8. TOWN MANAGER REPORT**

**a. Town Manager Report (Connie Hoffmann, Town Manager)**

Town Manager Connie Hoffmann advised that Town Staff met with the Broward Metropolitan Planning Organization (MPO) and Florida Department of Transportation (FDOT) staff to discuss the El Mar Greenway project. FDOT will make presentations to the Town on Thursday, November 6 and Monday, December 8 to hear input from residents and property owners. Both meetings will begin at 7 p.m. Notice of the hearings will be sent to property owners on El Mar Drive.

Commissioner Brown noted that the greenway project does not address the issue of burying utility lines on El Mar Drive. Commissioner Dodd noted that Florida Power and Light (FPL) plans to replace several utility poles on El Mar Drive to strengthen the Town's utility network. The Commission agreed to authorize Town Manager Hoffmann to research the feasibility of burying these lines.

Commissioner Brown requested an update on the "all red" traffic trial period underway at A1A and Commercial Boulevard, as traffic is backing up at this location. Town Manager Hoffmann confirmed that the trial period remains in effect; the Town has hired a traffic engineer to study the data collected. An update will be presented to the Commission in October or November.

Town Manager Hoffmann concluded that the budget hearing will be held on Monday, September 29. She requested that one to two minor additional items be discussed at this time as well. The Commissioners approved these additions by consensus.

**b. August Finance Report (Tony Bryan, Finance Director)**

None.

**9. TOWN ATTORNEY REPORT**

Town Attorney Susan Trevarthen advised that on September 18, 2014, the Town obtained a final judgment of default against Iron Sky in the amount of \$107,664. Iron

Lauderdale-By-The-Sea  
Town Commission Regular Meeting  
September 23, 2014

Sky has 45 days from this date to file financial information before the recovery process proceeds. The company has not responded to any of the Town's filings thus far.

Town Attorney Trevarthen also requested that a shade session be held with regard to the litigation of the Palm Yacht and Beach Club v. Town of Lauderdale-By-The-Sea. This meeting was tentatively scheduled for October 14, 2014 at 6 p.m. and public notice will be provided.

#### **10. APPROVAL OF MINUTES**

None.

#### **11. CONSENT AGENDA**

- a. Public Safety Sewer Replacement (Don Prince, Municipal Services Director)**

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.

- b. Request for an Accessory Building at 236 Commercial Blvd. (Linda Connors, Assistant Development Services Director)**

It was noted that this Item was deferred until the October 28, 2014 meeting.

#### **12. ORDINANCES**

##### **Ordinances 1<sup>st</sup> Reading**

- i. Ordinance 2014-10 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 30, Unified Land Development Regulations, Article VIII, Sign Regulations, to revise and clarify exempt signs, sign requirements and standards, sign regulations by zoning district, and definitions; providing for codification, severability, conflicts, and an effective date (Linda Connors, Assistant Development Services Director)**

At this time Mayor Sasser opened public comment.

David Chanon, Chair of the Planning and Zoning Board, offered to answer any questions the Commission might have regarding proposed Ordinance 2014-10.

Marie Chiarello, resident, stated that her comments referred to residentially zoned areas rather than commercial districts. She did not believe lights should remain lit throughout

the year, but should be seen only at holidays and regulated accordingly. She felt violations should go before the Magistrate.

Ron Piersante, resident, stated that he shared the concerns raised by Mrs. Chiarello regarding holiday lighting, and felt the Commission should request further clarification of what constitutes white lights.

Bill Ciani, property owner, advised that his concern was for businesses with signage including registered trademarks, and urged the Commission to be lenient in regulating these establishments.

As there were no other individuals wishing to speak on this Item, Mayor Sasser closed public comment and brought the discussion back to the Commission.

Assistant Development Services Director Linda Connors explained that the proposed Ordinance was the result of recommendations made to the Planning and Zoning Board after a July Special Town Commission Meeting to discuss signage. In September, the Board made the following recommendations:

- 5 decals at 6 sq. in. apiece allowed per business;
- 1 political sign allowed per candidate or right-of-way, 8 sq. ft. maximum;
- Political signs must be no larger than 3 sq. ft. in residential districts and 12 sq. ft. in commercial districts, not exceeding 21 sq. ft. per commercial right-of-way;
- Real estate signs no larger than 12 sq. ft. in commercial districts;
- Holiday lighting would continue to be regulated according to current Code, with time frames in which lighting may be erected and removed;
- Window letter signs must be limited to 12 in. height to the east of Ocean Drive and 18 in. to the west of this roadway;
- Window signage would be separated from door signs, with door signs having no background and covering no more than 50% of the door; window signage must remain at 25% coverage.

The Commissioners reviewed the recommendations, clarifying that the right-of-way limitation on political signs would prevent more than one 12 sq. in. sign in the same location. Commissioner Brown pointed out that commercial door decals are typically informational rather than advertisements, and are therefore helpful to the businesses. It was also clarified that holiday lighting is currently allowed for seasonal or one-time events if the lights are removed within the time frame specified in the code.

The Commissioners expressed differing opinions regarding the limitations on political signage in rights-of-way, with Commissioner Sokolow objecting to the proposed limitation of no more than 21 sq. ft. per candidate/issue in commercial districts, while Vice Mayor Vincent and Commissioner Brown stated that they felt this limitation was acceptable. Town Attorney Trevarthen advised that case law supports an overall limit on total square footage of political signs, and clarified that these signs are legally

considered to belong to property owners, not candidates. The owner may choose the size and number of signs within this overall sign limit for a given property.

After further review, the Commission agreed by consensus to make no change to existing Code regulations for window signs, and to adopt the Planning and Zoning Board's recommendations for political signs, real estate signs, maximum window letter size, and holiday lighting. It was determined that each Commissioner would work individually with Ass't Development Services Director Connors regarding window signage before the second reading of the Ordinance.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, for adoption on first reading of Ordinance 2014-10, with the changes on pp.1-2 of the Staff memo, numbered 2, 3, 4, 5, and 6; rejecting change 1 regarding decals. Motion carried 5-0.**

- ii. **Ordinance 2014-13 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 30, Unified Land Development Regulations, of the Code of Ordinances, to provide definitions, correct cross references, and eliminate duplication; to provide and update requirements for view corridors East of El Mar Drive, Loitering and Queuing associated with Businesses, Single Family and Duplex Driveways, the status of parking exemptions granted under the Restaurant Exemption Program, Tandem Parking, and Bicycle and Neighborhood Low-Speed Vehicle Parking; to clarify when back-out parking must be altered; to provide uniform appeal procedures; to regulate drive through service in the B1-A Zoning District; to add parking requirements for Outdoor Restaurant Seating on Private Property; to add Alternative Standards for the El Mar Streetscape Plan if approved by the Town Commission; to provide for amendment to the Seagrape Drive Sidewalk Plan set by Resolution; and providing for codification, severability, conflicts, and an effective date (Linda Connors, Assistant Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Ass't Development Services Director Connors explained that the Ordinance corrects references within the Unified Land Development Regulations (ULDR), ensures protections to view corridors, and corrects Code restrictions that inhibited redevelopment.

**Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to adopt on first reading. Motion carried 5-0.**

- iii. **Ordinance 2014-14 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 30, Unified Land Development Regulations, of the Code of Ordinances, by amending Section 30-11, “Definitions,” to provide a definition of Medical Marijuana Retail Center, by amending Section 30-261, “B-1-A District – Business,” to provide for conditional use review of and development requirements for Medical Marijuana Retail Centers; by modifying Section 30-318, “Minimum Parking Requirements,” to provide Parking Standards for Medical Marijuana Retail Centers; providing for codification, severability, conflicts, and an effective date (Susan Trevarthen, Town Attorney, and Kathy Mehaffey, Assistant Town Attorney)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Town Attorney Trevarthen recalled that in May, the Commission directed Staff to work with the Town Attorney’s Office to develop proposed regulations to address medical marijuana. She explained that there are two topics to be addressed: a State Statute which will take effect on January 1, 2015 unless challenged, and a State Constitutional Amendment that will be voted upon on November 4, 2014. Polls show that this Amendment is likely to pass, which prompted the Town to prepare for potential consequences before it becomes law on January 6, 2015.

The proposed Ordinance provides for a limited subset of medical marijuana uses within the community. It creates a sub-definition focusing on the retail sale of medical marijuana, allowing retail sale to occur within the B-1A business district, subject to distance requirements from protected uses. A companion Ordinance includes a set of business regulations that would also apply to medical marijuana retailers.

Town Attorney Trevarthen emphasized that neither Ordinance addresses use of medical marijuana, but considers regulation of a prospective land use and applicable zoning Ordinances. A medical marijuana retail use is a conditional use with a two-year lifespan and a provision for renewal. Retail centers must be separated by at least 300 ft., along with similar separations from schools, day care facilities, parks, and houses of worship. A parking standard was also defined for this use. Leases to these retailers must be approved by the Commission, based upon conditional use criteria.

Commissioner Brown stated that he was troubled by both prospective Ordinances related to medical marijuana, as the Amendment has not yet been voted upon and there are no State regulations for this use thus far. Other concerns included the requirement that medical marijuana may only be sold within the Town in a stand-alone retail center, as well as the stringent parking restrictions. He concluded that both Ordinances appeared to establish a roadblock for any medical marijuana retailer to operate within

the Town, which placed a burden on individuals with health issues who could benefit from use of the drug. He felt the Town should assist its residents in exercising their rights under the law.

Town Attorney Trevarthen clarified that the Town wished to act in advance of a vote on the State Amendment due to a concern that the State would act promptly and thoroughly to regulate the sale of medical marijuana. She pointed out that the Town will have a strong argument to defend its regulation if they act before any Constitutional provision for legalization exists. An early Ordinance also informs the marketplace of the regulations governing this retail use, allowing potential retailers to determine whether or not they might wish to invest in a particular location or community.

Town Attorney Trevarthen continued that the proposed Ordinance limited retail sale of medical marijuana to a stand-alone use because most pharmacies refuse to sell the product. Another reason for stand-alone use is the medical marijuana industry's lack of access to the banking system, as banks, like pharmacies, do not wish to endanger their federal charters.

Mayor Sasser explained that the intent behind the proposed Ordinances was to allow the Town to have rules in place to govern this retail use. Commissioner Brown noted, however, that 24 states have legalized medical marijuana thus far, which provides a body of evidence addressing pharmacy and banking concerns.

**Commissioner Brown made a motion to table any Ordinances dealing with medical marijuana until after the voter referendum in November, and further, until after the State issues its proposed regulatory guidelines. The motion died for lack of second.**

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve on first reading. Motion carried 4-1 (Commissioner Brown dissenting).**

- iv. **Ordinance 2014-15 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 12, “Licenses,” of the Code of Ordinances, by amending Section 12-24, “Home Occupations,” to prohibit marijuana-related home occupations; and by creating Section 12-25, “Marijuana Businesses,” to provide regulations, restrictions, and procedures for the operation of Medical Marijuana Retail Centers (Susan Trevarthen, Town Attorney, and Kathy Mehaffey, Assistant Town Attorney)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Lauderdale-By-The-Sea  
Town Commission Regular Meeting  
September 23, 2014

Commissioner Brown advised that while he was not in favor of home sales of medical marijuana, he would not vote in favor of Ordinance 2014-15 for the same reasons he opposed Ordinance 2014-14.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 4-1 (Commissioner Brown dissenting).**

#### **Ordinances 2<sup>nd</sup> Reading**

- i. Ordinance 2014-11 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 15, “Police,” Article II “Alarm Systems,” of the Code of Ordinances to require Audible Intrusion Alarm Systems to automatically terminate fifteen minutes after activation and to be monitored; providing for severability, codification, conflicts, and an effective date (Captain Fred Wood)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.**

- ii. Ordinance 2014-12 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Section 17-113, “Application,” in Article III, “Special Events,” of Chapter 17, “Streets, Sidewalks, and other Public Places,” of the Code of Ordinances, to clarify the deadline for Applications for Special Events; providing for codification, severability, conflicts, and for an effective date (Linda Connors, Assistant Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.**

At this time the Commissioners took a brief recess.

The following Items were taken out of order on the Agenda.

#### **16. OLD BUSINESS**

**a. Work Authorization with Architectural Alliance for the design of the Streetscape for the remaining two blocks of Commercial Boulevard (A1A to Seagrape) and for construction oversight services (Connie Hoffmann, Town Manager)**

Town Manager Hoffmann explained that the landscape architect responsible for designing the project had advised the Town's budget for this project may be unrealistic due to the costs of recent construction bids. She explained the estimates were based on published FDOT unit costs which are for much larger projects where economies of scale are realized. Her recommendation was to approve the work authorization with Architectural Alliance for streetscape design, with the budget to be clarified over the next few weeks to determine a more realistic estimate of the project's costs. The total will include the cost of construction oversight services.

Commissioner Brown noted that redesign of the intersection at A1A and Commercial Boulevard can be completed in approximately six weeks as a stand-alone project. He characterized this as more important than the streetscape project. Town Manager Hoffmann advised that a construction price from SCEC for this project would be presented to the Commission at the September 29 meeting.

**Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve this Item. Motion carried 5-0.**

**17. NEW BUSINESS**

**b. Management of Town Property – Silver Shores Waterway (Bud Bentley, Assistant Town Manager)**

Assistant Town Manager Bud Bentley explained that, in 1986, the Town acquired an 18/19th interest in the Silver Shores Waterway property from the County which had acquired it due to unpaid property taxes by the owner. The remaining 1/19<sup>th</sup> of the property transferred ownership to two individuals in 1983; the individuals sharing 1/19<sup>th</sup> ownership are now deceased and their children are the beneficiaries of their estate. An individual interested in purchasing the marina has reached out to these individuals with regard to acquiring their 1/19<sup>th</sup> interest, which does not change the Town's responsibility, as majority property owner, to manage this property.

Asst. Town Manager Bentley advised that a party that wishes to purchase the marina contacted the Town to negotiate a lease for the submerged lands where the existing pilings, docks and finger piers are located. He explained that the financial aspect of the submerged land lease requires direction from the Commission. Single-family homes have not been charged in the past by the State for the use of their submerged lands, even if the dock produces revenue. The State charges a minimum price per square foot or 6% of gross revenue, whichever is greater, for commercial use of submerged lands. Town staff suggests conducting a market study on rates of comparable marinas and

entering into an agreement for a fixed amount, adjusted every few years based on market rates for slip rents.

Although the Town's zoning Code does not currently include a marina use, Asst. Town Manager Bentley advised that a permit was issued in 1966 for the construction of docks. It was noted that unsafe conditions and violations currently exist at the marina, which need to be addressed either by the present owner.

Commissioner Dodd pointed out that one issue that has to be addressed with the marina is that live-aboard vessels requires a pump-out facility with a connection to the Town's sewage system. Town Attorney Trevarthen clarified that live-aboard vessels are prohibited by Code.

Mayor Sasser noted that if lease arrangements are made based on the Town's ownership of the submerged land, he did not wish the Town to limit its ability to control the type of business or development is made on this land. As families have established residences along the canal, he expressed concern for a lease arrangement for a use that would affect these homes.

Walter Morgan, representing William Henne, advised that his client felt the Commission could direct Staff to work with him toward a lease. He provided a brief history of the subject property, pointing out that Mr. Henne is only interested in purchasing the marina if he may operate it as such once its existing conditions are addressed.

Mr. Morgan added that there is a distinction between live-aboard and stay-aboard vessels: his client would not wish to operate a marina in which stay-aboard vessels are not permitted, but he would not wish to operate a marina that allowed live-aboard boats, as these can become problematic.

William Henne briefly described his experience in attempting to purchase the property as well as the current condition of the marina. He reiterated that the State charges 6% of the gross revenue generated, which he estimated would come to approximately \$1800 per year. He concluded that if the Town is willing to allow him to improve the property, he would like to do so, but is not interested in purchasing the building if the Town wished to charge an exorbitant lease price.

The Commissioners discussed the Item further, with Mayor Sasser clarifying that the Town has no right to the upland property at the site and could not sell it. It was also noted that once a lease is developed, it may include conditional use agreements for the necessary improvements. Asst. Town Manager Bentley explained that the property will be inspected and its current owner cited for any existing Code violations. The lease could include contingencies that recognize the need to allow stay-aboard vessels in order for a commercial marina to be viable. Mr. Henne pointed out that the property cannot be developed, although he cited various improvements that could be made to the marina.

**Commissioner Brown made a motion, seconded by Vice Mayor Vincent, that the Town enter into negotiations with Mr. Henne for the lease of the property that [the Town owns].**

It was clarified that any lease agreement determined by Town Staff and Mr. Henne's counsel would come back before the Commission for their review.

Mayor Sasser proposed the following amendment to the motion: that land use be addressed to define marinas. Commissioner Brown accepted the amendment. Town Attorney Trevarthen added that existing documentation confirms the marina on the property is defined as a pre-existing legal nonconforming use, although she pointed out that new information may affect this definition.

**Vice Mayor Vincent seconded the motion. Motion carried 5-0.**

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to extend the meeting to 11:30. Motion carried 5-0.**

### **13. RESOLUTIONS – PUBLIC COMMENTS**

- a. Resolution 2014-20 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, establishing Special Events and Public Use Fees; providing for conflicts; providing for severability; providing for an effective date (Bud Bentley, Assistant Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

The Commissioners discussed the proposed Resolution, with Commissioner Dodd noting that the current sidewalk café agreement is subject to the absence of outstanding Code violations. He felt there should be a similar clause governing special event applications. Asst. Town Manager Bentley clarified that basis for denial of the sidewalk café agreement include Code liens or other monies owed the Town.

**Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to adopt the Resolution as presented. Motion carried 5-0.**

It was noted that the addition of a clause related to Code violations could be addressed separately. Commissioner Dodd agreed that Staff could bring this issue forward at a subsequent meeting.

**Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to adopt the Resolution as presented. Motion carried 5-0.**

- b. Resolution 2014-30 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, providing for fees for Development Review Permits and Licenses related to Engineering, Portable Storage Units, Newsracks, Sidewalk Cafés, Development Applications, and Code Mitigation; providing for conflicts, severability, and an effective date (Linda Connors, Assistant Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.**

- c. Resolution 2014-38 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, authorizing the appropriate Town Officials to execute the Interlocal Agreement with Broward County for Community Bus Service; providing for implementation, copies, and an effective date (Tony Bryan, Finance Director)**

At this time Mayor Sasser opened public comment, which he closed on receiving no input.

**Commissioner Brown made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.**

#### **14. QUASI JUDICIAL PUBLIC HEARINGS**

None.

#### **15. COMMISSIONER COMMENTS**

Commissioner Sokolow suggested that the Commission consider amending the Resolution governing the order of the Agenda to move Old Business and New Business to a position prior to Ordinances and Resolutions. Town Attorney Trevarthen confirmed that this could be done.

Commissioner Dodd reported that Hillsboro Inlet recently held its final budget meeting and proposed keeping its millage rate the same as the previous year. He added that the Coastal Oceans Task Force meeting featured a presentation on marine preserves, which will be discussed tonight in Item 18a.

Commissioner Dodd asserted that the other Commissioners' responses to the presentation on puppy mills made at the September 9, 2014 Commission meeting

greatly disturbed him. He stated that he had considered resigning following that meeting, but felt he could be more effective in addressing the issue by continuing to serve on the Commission. He concluded that the presentation was intended to be educational in nature and that no members of the public had made accusations against either the Town or the pet store.

## **18. NEW BUSINESS**

### **a. Consideration of the creation of a Marine Preserve (Commissioner Stuart Dodd)**

Commissioner Dodd explained that designating the Town's ocean area would have a major effect on tourism in Lauderdale-By-The-Sea. He showed a selection of slides from the recent Coastal Oceans Task Force meeting, pointing out that the creation of a marine preserve in the Tortugas resulted in far greater legal size of certain species of fish and significantly greater abundance in other species. Restrictions on fishing also resulted in increased size and abundance of fish. He requested a Resolution from the Commission to establish a marine preserve with boundaries at the northern and southern ends of the Town and an offshore boundary not yet determined.

**Commissioner Dodd made a motion, seconded by Commissioner Brown, to extend the meeting until 11:40. Motion carried 4-1 (Commissioner Sokolow dissenting).**

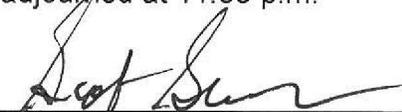
The Commissioners discussed the proposal, requesting that Commissioner Dodd invite the presenter from the Coastal Oceans Task Force to make a presentation to the Commission at a subsequent meeting. It was noted that the establishment of a marine preserve with fishing restrictions could affect Bugfest-By-The-Sea. The Commission agreed by consensus to have Town Staff conduct some research into this proposal.

### **c. Conflict on Commission Meeting date in November (Connie Hoffmann, Town Manager)**

It was determined that due to a conflict between the first November Commission meeting and the Veterans' Day holiday, the meeting would be rescheduled for Tuesday, November 18, 2014 at 7 p.m.

## **19. ADJOURNMENT**

With no further business before the Commission at this time, the meeting was adjourned at 11:35 p.m.

  
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Mayor Scot Sasser

Lauderdale-By-The-Sea  
Town Commission Regular Meeting  
September 23, 2014

ATTEST:

Tedra Smith  
Town Clerk Tedra Smith

10/28/14  
Date

